

### SUPPORT FOR THE AMENDMENT

Support for the amendment to claims 10 and 11 is found in claims 1 and 8 as originally presented. No new matter would be added to this application by entry of this amendment. No new issues would be raised before the examiner, as applicants have merely rewritten dependent claims in independent form.

Upon entry of this amendment claims 10, 11, 14 and 15 will now be active in this application.

### REQUEST FOR RECONSIDERATION

The present invention is directed to a non-aqueous electrolyte and secondary battery containing the same.

Applicants also wish to thank Examiner Weiner for indicating that claims 10, 11, 14 and 15 are allowable over the prior art of record.

The rejection of Claims 10, 11 and 14 under 35 U.S.C. § 112, second paragraph is respectfully traversed.

Claims 10, 11 and 14 appear to have been rejected based on their ultimate dependence on claim 1, which was rejected because the term "wherein it is an electrolyte for a non-aqueous secondary battery comprising a cathode...lithium" was not viewed as further limiting of "an electrolyte". Applicants note that claims 10 and 11, written in independent form including all of the limitations of claims 1 and 8, recite the presence of a cathode containing a lithium metal complex oxide and an anode containing a material which is capable of storing and releasing lithium and therefore the rejection for indefiniteness is believed to be inappropriate and should be withdrawn as applied to claims 10, 11 and 14.

The rejection of claim 15 under 35 U.S.C. 112 second paragraph has been obviated by appropriate amendment.

Claim 15 has now been amended to simply recite that X represents -O- and Y is a single bond. In view of applicants' amendment, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 10 and 11 under 35 U.S.C. 112, first paragraph for a lack of enablement, is respectfully traversed.

The examiner's rejection is based on the view that the specification is **enabling for an electrolyte** comprising the compound of Formula (I), but not enabling for **a cathode** comprising the compound of Formula (I). Applicants respectfully submit that neither claims 10 nor 11 recite that the cathode comprises the compound of Formula (I). Therefore the rejection based on enablement is improper and should be withdrawn.

The remaining grounds of rejection are believed to be moot as these claims have been cancelled without prejudice to their prosecution in one or more continuation applications.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

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